



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: AUTOHOP LITIGATION

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ORDER

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12-CV-4155 (LTS)(KNF)

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

Before the Court is Dish Network L.L.C.'s ("DISH") motion for an order "unsealing DISH's October 3, 2014 Memorandum of Law in Opposition to CBS's Motion for Reconsideration and Stay of This Court's September 24, 2014 Order (Docket Number 310)." DISH contends that it filed two memoranda of law "in opposition to CBS's Motion": (1) one "by counsel from Orrick, Herrington & Sutcliffe, LLP (the 'Orrick Brief')"; and (2) the other "by counsel from Durie Tangri LLP (the 'Durie Tangri Brief')." According to DISH, on October 3, 2014, "[d]ue to the confidential nature of the parties' motions to compel and this Court's Orders, and in abundance of caution with respect to CBS's confidential information, DISH filed both memoranda under seal, pursuant to the Protective Order." On October 15, 2014, "upon DISH's inquiry, counsel for CBS informed counsel for DISH that it does not object to the public filing of the Durie Tangri Brief without redactions."

The movant failed to show good cause warranting relief because it did not explain why it did not conduct its inquiry with "counsel for CBS" prior to filing its documents under seal, on October 3, 2014, and why it waited until October 15, 2014 to conduct such an inquiry. Moreover, no permission was sought or obtained to submit two memoranda of law in opposition to a single motion for reconsideration and a stay of the Court's September 24, 2014 orders (Docket Entry No. 312), which is in contravention of Local Civil Rule 7.1(a)(2) of this court.

The unauthorized submission of two memoranda, one of which appears to have been filed under seal needlessly and without justification, imposes an unnecessary burden on the Court and the parties, see Fed. R. Civ. P. 1, and is indicative of a lack of diligence by the filing party. The parties are urged to act diligently and to use their best efforts timely, in the future, when ascertaining whether documents should be filed under seal as contemplated by their protective order. DISH's motion to unseal, Docket Entry No. 322, is denied.

Dated: New York, New York
October 24, 2014

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE